REMARKS

Claims 1-11 and 22-25 are pending in the Application. Claims 2-5 have been cancelled. Claims 12-21 have been withdrawn. Claims 22-25 are new. Claim 1 is independent. Claims 1 and 6-9 have been amended.

Claim Rejections - 35 USC § 102

The Patent Office rejected Claims 1-11 under 35 U.S.C. § 102(e) as being anticipated by Nemazie (U.S. Publication No. 2004/0252716) ("Nemazie").

Applicant respectfully traverses the rejection. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). Emphasis added.

Applicant respectfully submits Claims 1-11 recite elements that have not been disclosed by Nemazie. For example, Claim 1 generally recites:

a first circuit for storing a command from a higher layer;

> a first circuit for storing a command from a higher layer of a serial advanced technology attachment (SATA) device;
>
> a second circuit for creating a frame information structure (FIS) corresponding to the command, communicating with a transport layer of the SATA device, and transmitting the frame information structure to the transport layer of the SATA device; and
>
> a third circuit for receiving a FIS from the transport layer of the SATA device, decoding the received FIS, and taking an appropriate action.

The Patent Office cites to Nemazie for the above limitations (paragraphs 16, 26, 97-100; fig. 6a, 6b and 9). However, the cited sections of Nemazie do not

disclose a first circuit for storing a command from a higher layer of a serial advanced technology attachment (SATA) device; a second circuit for creating a frame information structure (FIS) corresponding to the command, communicating with a transport layer of the SATA device, and transmitting the frame information structure to the transport layer of the SATA device; and a third circuit for receiving a FIS from the transport layer of the SATA device, decoding the received FIS, and taking an appropriate action. Nemazie is directed to a SATA switch which allows two hosts to access a single SATA device. The present invention is directed to a standard ATA queue automation circuitry which facilitates handshaking across the protocol hierarchy within a SATA device by handling all the transmit/receive frame information structure (FIS) operations for ATA queue commands without interrupting the higher-level software and associated hardware, firmware, and drivers. The cited sections of Nemazie concern communication between SATA devices, not within a SATA device. Therefore, Nemazie does not disclose a first circuit for storing a command from a higher layer of a serial advanced technology attachment (SATA) device; a second circuit for creating a frame information structure (FIS) corresponding to the command, communicating with a transport layer of the SATA device, and transmitting the frame information structure to the transport layer of the SATA device; and a third circuit for receiving a FIS from the transport layer of the SATA device, decoding the received FIS, and taking an appropriate action. Thus, under *Lindemann*, a *prima facie* case of anticipation has not been established for Claim 1. Claims 2-11 depend from Claim 1 and are believed allowable due to their dependence upon an allowable base claim.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
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